By: Nichols, et al. (Lambert)

S.B. No. 621

A BILL TO BE ENTITLED

- 1 AN ACT
- 2 relating to the transfer of the regulation of plumbing to the Texas
- 3 Department of Licensing and Regulation, following recommendations
- 4 of the Sunset Advisory Commission; requiring an occupational
- 5 license; authorizing a fee.
- 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 7 SECTION 1. Section 1301.002, Occupations Code, is amended
- 8 by amending Subdivisions (1), (1-a), (1-b), (2), (3), (4), (5),
- 9 (6), (8), (9), (10), and (11) and adding Subdivisions (1-c) and
- 10 (7-a) to read as follows:
- 11 (1) "Advisory board" ["Board"] means the Texas [State
- 12 Board of Plumbing Advisory Board established under Subchapter C
- 13 [Examiners].
- 14 (1-a) "Commission" means the Texas Commission of
- 15 Licensing and Regulation.
- 16 "Control valve" means a valve that operates each
- 17 time water is supplied to, or shut off from, a receptacle or
- 18 plumbing fixture. The term does not include a stop valve that may
- 19 be installed in the water supply branch to the control valve.
- 20 (1-c) "Department" means the Texas Department of
- 21 Licensing and Regulation.
- 22 (2) [(1-b)] "Executive director" means the executive
- 23 director of the <u>department</u> [Texas State Board of Plumbing
- 24 Examiners].

1	(3) "Drain cleaning" [(2) "Drain cleaner"] means [a
2	<pre>person who]:</pre>
3	(A) <u>installing</u> [has completed at least 4,000
4	hours working under the supervision of a responsible master plumber
5	as a drain cleaner-restricted registrant;
6	[(B) has fulfilled the requirements of and is
7	registered with the board; and
8	[(C) installs] cleanouts and <u>removing</u> [<u>removes</u>]
9	and <u>resetting</u> [resets] p-traps to eliminate obstructions in
10	building drains and sewers under the supervision of a [responsible]
11	master plumber; or
12	(B) clearing[+
13	[(3) "Drain cleaner-restricted registrant" means a
14	person who:
15	[(A) has worked as a plumber's apprentice under
16	the supervision of a responsible master plumber;
17	[(B) has fulfilled the requirements of and is
18	registered with the board; and
19	[(C) clears] obstructions in sewer and drain
20	lines through any code-approved existing opening under the
21	supervision of a [responsible] master plumber.
22	(4) "Journeyman plumber" means a person licensed under
23	this chapter who:
24	(A) has met the qualifications for registration
25	as a plumber's apprentice or for licensing as a tradesman
26	<pre>plumber-limited license holder;</pre>
27	(B) has completed at least 8,000 hours working

under the supervision of a [responsible] master plumber; 1 2 (C) installs, changes, repairs, services, renovates plumbing or supervises any of those activities under the 3 4 supervision of a [responsible] master plumber; 5 has passed the required examination; and (D) 6 has fulfilled the other requirements of the (E) 7 commission [board]. (5) "Master plumber" means a person licensed under 8 9 this chapter who: is skilled in the design, planning, 10 (A) 11 superintending of plumbing and in the practical installation, repair, and servicing of plumbing; 12 13 has worked as a journeyman plumber: 14 (i) for at least four years; or 15 (ii) for at least one year 16 successfully completed a training program approved by the United States Department of Labor Office of Apprenticeship or another 17 nationally recognized apprentice training program accepted by the 18 commission [board]; 19 20 (C) performs or supervises plumbing work; 21 (D) has passed the required examination; and 22 has fulfilled the other requirements of the (E) 23 commission [board]. 24 "Plumber's apprentice" means a person other than a

master plumber, journeyman plumber, or tradesman plumber-limited

(A) $[\tau]$ as the person's principal occupation,

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license holder who:

drain cleaning and residential utilities installation; 2 (B) has fulfilled the requirements 3 the 4 <u>commission</u> and is registered by the <u>department;</u> [board,] and 5 under (C) works the supervision of а [responsible] master plumber [and the direct supervision 6 7 licensed plumber]. (7-a) "Plumbing contractor" means a person licensed as 8 9 a plumbing contractor under this chapter who: 10 (A) is a master plumber, or employs a master 11 plumber, for the purpose of offering and performing plumbing work that will be performed or supervised by the master plumber; 12 13 (B) is authorized to obtain permits for plumbing 14 work; 15 (C) assumes responsibility for plumbing work performed for compensation paid to the person; and 16

learns about and assists in the installation of plumbing, including

19 (8) "Plumbing inspector" means a person who:

required by Section 1301.3576.

(A) is employed by a political subdivision or state agency, or contracts as an independent contractor with a political subdivision or state agency, to inspect plumbing in connection with health and safety laws, including ordinances, and plumbing and gas codes;

(D) has submitted a certificate of insurance as

- 25 (B) has passed the required examination; and
- 26 (C) has fulfilled the other requirements of the
- 27 commission [board].

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1 "Residential utilities (9) installation" ["Residential utilities installer"] 2 means constructing and installing [a person who: 3 4 (A) has completed at least 2,000 hours working 5 under the supervision of a master plumber as a plumber's 6 apprentice; 7 [(B) has fulfilled the requirements of and is registered with the board; and 8 9 [(C) constructs and installs] yard water service piping for one-family or two-family dwellings and building sewers 10 11 under the supervision of a [responsible] master plumber. (10) "Tradesman plumber-limited license holder" means 12 13 a person who: has completed at least 4,000 hours working 14 under the direct supervision of a journeyman or master plumber as a 15 plumber's apprentice; 16 17 (B) has passed the required examination; 18 (C) constructs and installs plumbing for one-family or two-family dwellings under the supervision of a 19 [responsible] master plumber; and 20 has fulfilled the other requirements of the 21 commission [board]. 22 "Water supply protection specialist" means a 23 24 person who holds an endorsement issued by the department [board] to 25 engage in:

rule of the Texas Commission on Environmental Quality; and

customer service inspections, as defined by

(A)

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- 1 (B) the installation, service, and repair of
- 2 plumbing associated with the treatment, use, and distribution use
- 3 of rainwater to supply a plumbing fixture or appliance.
- 4 SECTION 2. Sections 1301.056 and 1301.057, Occupations
- 5 Code, are amended to read as follows:
- 6 Sec. 1301.056. LAWN IRRIGATION SYSTEMS. A person licensed
- 7 by the <u>department under this chapter</u> [board] is not required to be
- 8 licensed by another board or agency to install or work on a lawn
- 9 irrigation system.
- 10 Sec. 1301.057. SELF-HELP PROJECT. (a) A person is not
- 11 required to be licensed under this chapter to perform plumbing,
- 12 limited to the provision of a residential potable water supply or
- 13 residential sanitary sewer connection, for a project that:
- 14 (1) is in a county a part of which is within 50 miles of
- 15 an international border; and
- 16 (2) is performed by an organization that:
- 17 (A) is certified by the Texas [Natural Resource
- 18 Conservation | Commission on Environmental Quality to provide
- 19 self-help project assistance; and
- 20 (B) provides the <u>department</u> [board] with the
- 21 following information before the 30th day before the date the
- 22 project begins:
- 23 (i) the exact location of the project;
- 24 (ii) the intended duration of the project;
- 25 and
- 26 (iii) other information the department
- 27 [board] requires.

- 1 (b) The department [board] may require under Subsection
- 2 (a)(2)(B)(iii) that the organization provide a post-construction
- 3 report signed by a plumbing inspector stating that the plumbing is
- 4 safe.
- 5 (c) The department [board] may provide training to an
- 6 organization that provides self-help project assistance under this
- 7 section.
- 8 SECTION 3. The heading to Subchapter C, Chapter 1301,
- 9 Occupations Code, is amended to read as follows:
- 10 SUBCHAPTER C. TEXAS [STATE BOARD OF] PLUMBING ADVISORY BOARD
- 11 [EXAMINERS]
- 12 SECTION 4. Section 1301.151, Occupations Code, is amended
- 13 to read as follows:
- 14 Sec. 1301.151. TEXAS [STATE BOARD OF] PLUMBING ADVISORY
- 15 BOARD [EXAMINERS] MEMBERSHIP. (a) The Texas [State Board of]
- 16 Plumbing <u>Advisory Board</u> [<u>Examiners</u>] consists of nine members
- 17 appointed by the governor [with the advice and consent of the
- 18 senate as follows:
- 19 (1) one member who has at least 10 years' practical
- 20 experience and is licensed as a master plumber;
- 21 (2) one member who has at least five years' practical
- 22 experience and is licensed as a journeyman plumber;
- 23 (3) one member who has at least five years' practical
- 24 experience and is licensed as a plumbing inspector;
- 25 (4) one member who <u>is</u> [has been] a plumbing contractor
- 26 [responsible master plumber for at least five years with at least 10
- 27 years' experience as a licensed journeyman plumber or master

- 1 plumber];
- 2 (5) one member who is a licensed engineer practicing
- 3 in the field of plumbing engineering;
- 4 (6) two members who are building contractors with at
- 5 least five years' contracting experience, one of whom is
- 6 principally engaged in home building and one of whom is principally
- 7 engaged in commercial building; [and]
- 8 (7) one member who is a licensed plumber; and
- 9 <u>(8) one member</u> [two members] who <u>represents</u>
- 10 [represent] the public.
- 11 (b) Each member of the <u>advisory</u> board must be a United
- 12 States citizen.
- 13 (c) Appointments to the advisory board shall be made without
- 14 regard to the race, color, disability, sex, religion, age, or
- 15 national origin of the appointee.
- (d) Chapter 2110, Government Code, does not apply to the
- 17 composition or duration of the advisory board or to the appointment
- 18 of the advisory board's presiding officer.
- 19 SECTION 5. Section 1301.152, Occupations Code, is amended
- 20 to read as follows:
- Sec. 1301.152. ELIGIBILITY OF PUBLIC MEMBER [MEMBERS]. A
- 22 person is not eligible for appointment as a public member of the
- 23 advisory board if the person or the person's spouse:
- 24 (1) is licensed by an occupational regulatory agency
- 25 in the building construction industry;
- 26 (2) is employed by or participates in the management
- 27 of an agency or business entity related to the building

- 1 construction industry; or
- 2 (3) has, other than as a consumer, a financial
- 3 interest in a business entity related to the building construction
- 4 industry.
- 5 SECTION 6. Section 1301.154, Occupations Code, is amended
- 6 to read as follows:
- 7 Sec. 1301.154. TERMS. <u>Advisory board</u> [Board] members serve
- 8 staggered six-year terms.
- 9 SECTION 7. Section 1301.157, Occupations Code, is amended
- 10 to read as follows:
- 11 Sec. 1301.157. OFFICER [OFFICERS]. [(a)] The governor
- 12 shall designate a member of the advisory board as the presiding
- 13 officer of the board to serve in that capacity at the pleasure of
- 14 the governor.
- 15 [(b) The board shall elect a secretary from its membership.]
- SECTION 8. Section 1301.158, Occupations Code, is amended
- 17 to read as follows:
- 18 Sec. 1301.158. COMPENSATION [PER DIEM; REIMBURSEMENT]. An
- 19 advisory $[\frac{(a)}{A}]$ board member may not receive compensation $[\frac{a}{A}]$
- 20 fixed salary for service on the advisory board.
- 21 [(b) A board member is entitled to receive a per diem as set
- 22 by the General Appropriations Act for each day the member engages in
- 23 the business of the board.
- 24 [(c) A board member may not receive reimbursement for travel
- 25 expenses, including expenses for meals and lodging, other than
- 26 transportation expenses. A member is entitled to reimbursement for
- 27 transportation expenses as provided by the General Appropriations

- 1 Act.
- 2 SECTION 9. Subchapter C, Chapter 1301, Occupations Code, is
- 3 amended by adding Section 1301.160 to read as follows:
- 4 Sec. 1301.160. DUTIES OF ADVISORY BOARD. The advisory
- 5 board shall provide advice and recommendations to the department on
- 6 technical matters relevant to the administration and enforcement of
- 7 this chapter, including examinations, licensing qualifications,
- 8 plumbing code requirements, supervision, and continuing education
- 9 requirements.
- 10 SECTION 10. The heading to Subchapter D, Chapter 1301,
- 11 Occupations Code, is amended to read as follows:
- 12 SUBCHAPTER D. DEPARTMENT [EXECUTIVE DIRECTOR AND OTHER BOARD]
- 13 PERSONNEL
- 14 SECTION 11. Section 1301.202, Occupations Code, is amended
- 15 to read as follows:
- Sec. 1301.202. CERTAIN PLUMBING EXAMINERS [EXAMINER].
- 17 (a) If an examination required for the issuance of a license,
- 18 endorsement, or certificate of registration under this chapter
- 19 contains a practical component, the department [The board] shall
- 20 employ or contract with one or more plumbing examiners to
- 21 administer that portion of the examination. [A plumbing examiner
- 22 serves at the will of the board. A plumbing examiner must:
- 23 (1) hold a license as a plumber issued under this
- 24 chapter; and
- 25 (2) be knowledgeable of this chapter and municipal
- 26 ordinances relating to plumbing[+ and
- 27 [(3) be qualified by experience and training in

1 plumbing practice].

- 2 (b) A plumbing examiner shall:
- 3 (1) examine the fitness and qualifications of a person
- 4 applying to the <u>department</u> [board] for a license as a master
- 5 plumber, journeyman plumber, tradesman plumber-limited license
- 6 holder, or plumbing inspector; and
- 7 (2) promptly certify the result of the examination to
- 8 the department [board].
- 9 SECTION 12. Section 1301.203, Occupations Code, is amended
- 10 to read as follows:
- 11 Sec. 1301.203. FIELD REPRESENTATIVE; INSPECTIONS.
- 12 (a) The <u>department shall</u> [board may] employ a field representative
- 13 to assist the department [board] in enforcing this chapter and
- 14 rules adopted under this chapter. A field representative must[+
- 15 [(1) hold a license as a plumber under this chapter;
- 16 $\left[\frac{(2)}{2}\right]$ be knowledgeable of this chapter and municipal
- 17 ordinances relating to plumbing[; and
- 18 [(3) be qualified by experience and training in
- 19 plumbing practice].
- 20 (b) A field representative may:
- 21 (1) conduct on-site license checks to determine
- 22 compliance with this chapter;
- 23 (2) investigate consumer complaints [filed under
- 24 Section 1301.303]; and
- 25 (3) assist municipal plumbing inspectors in enforcing
- 26 this chapter[+
- [(4) issue citations as provided by Section 1301.502;

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   and
               [(5) in the performance of the field representative's
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   other duties under this chapter, check the license, registration,
3
   or endorsement of a person regulated by the Texas Department of
4
   Licensing and Regulation in accordance with the memorandum of
5
   understanding adopted under Section 1301.259 and report any
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7
   noncompliance to that agency].
         (c) For a department inspection or investigation that
8
   involves the quality of plumbing work, including whether the
9
   plumbing work complies with any applicable plumbing code
10
   requirements, the department shall employ or contract with a person
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   who holds a license as a plumber under this chapter to conduct or
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13
   assist in the inspection or investigation.
         SECTION 13. The heading to Subchapter E, Chapter 1301,
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   Occupations Code, is amended to read as follows:
16
                SUBCHAPTER E. [BOARD] POWERS AND DUTIES
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         SECTION 14. Sections 1301.251 and 1301.253, Occupations
   Code, are amended to read as follows:
18
         Sec. 1301.251. GENERAL DUTIES [OF BOARD].
19
                                                      The executive
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- 21 (1) administer this chapter; and
- 22 (2) adopt and enforce rules necessary to administer

director or commission, as appropriate, [board] shall:

- 23 this chapter, including requirements for the issuance and renewal
- 24 of a license, endorsement, or certificate of registration under
- 25 this chapter[; and

- 26 [(3) keep a record of each proceeding conducted before
- 27 and action taken by the board].

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- 1 Sec. 1301.253. FEES. The commission [board] shall set fees
- 2 <u>under this chapter</u> in amounts that are reasonable and necessary to
- 3 cover the cost of administering this chapter.
- 4 SECTION 15. Sections 1301.255(a), (b), (c), and (d),
- 5 Occupations Code, are amended to read as follows:
- 6 (a) The commission [board] shall adopt the following
- 7 plumbing codes, as those codes existed on May 31, 2001:
- 8 (1) the Uniform Plumbing Code, as published by the
- 9 International Association of Plumbing and Mechanical Officials;
- 10 and
- 11 (2) the International Plumbing Code, as published by
- 12 the International Code Council.
- 13 (b) The commission [board] by rule may adopt later editions
- 14 of the plumbing codes listed in Subsection (a).
- 15 (c) Plumbing installed in an area not otherwise subject to
- 16 regulation under this chapter by a person licensed under this
- 17 chapter must be installed in accordance with a plumbing code
- 18 adopted by the commission [board] under Subsection (a) or (b).
- 19 (d) In adopting a code for the design, installation, and
- 20 maintenance of a plumbing system under this section, a municipality
- 21 or an owner of a public water system may amend any provisions of the
- 22 code to conform to local concerns that do not substantially vary
- 23 from commission [board] rules or other rules of this state.
- SECTION 16. Section 1301.262, Occupations Code, is amended
- 25 to read as follows:
- Sec. 1301.262. CODES [PLUMBING INSPECTOR CODE] OF CONDUCT.
- 27 (a) The commission [board] by rule shall establish a code of

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- 1 conduct for licensed plumbing inspectors. The code of conduct
- 2 shall require a plumbing inspector to enforce this chapter and
- 3 <u>commission</u> [board] rules in a consistent manner across job sites.
- 4 (b) The commission by rule may establish standards of
- 5 conduct for a holder of a license, endorsement, or certificate of
- 6 registration issued under this chapter.
- 7 SECTION 17. Subchapter E, Chapter 1301, Occupations Code,
- 8 is amended by adding Section 1301.263 to read as follows:
- 9 Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT.
- 10 (a) The department shall recognize, prepare, administer, or
- 11 arrange for the administration of an examination required by this
- 12 chapter.
- 13 (b) The department shall determine the minimum requirements
- 14 and passing score for an examination required by this chapter.
- 15 (c) If an examination required by this chapter contains a
- 16 practical component, the practical component must be administered
- by a plumbing examiner as provided by Section 1301.202.
- 18 SECTION 18. The heading to Subchapter F, Chapter 1301,
- 19 Occupations Code, is amended to read as follows:
- 20 SUBCHAPTER F. PRACTICE BY LICENSE HOLDER [CONSUMER INTEREST
- 21 <u>INFORMATION AND COMPLAINT PROCEDURES</u>]
- SECTION 19. Section 1301.302, Occupations Code, is amended
- 23 to read as follows:
- Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A
- 25 written proposal, invoice, or contract relating to plumbing
- 26 services performed by or under the direction of a plumber licensed
- 27 under this chapter must contain the name and license number of the

- 1 plumbing contractor [responsible master plumber] and the name,
- 2 mailing address, and telephone number of the department [board].
- 3 The person who performed the services shall give the customer an
- 4 invoice or completed contract document on completion of the job,
- 5 regardless of whether the person charged a fee for performing the
- 6 services.
- 7 SECTION 20. Subchapter F, Chapter 1301, Occupations Code,
- 8 is amended by adding Section 1301.305 to read as follows:
- 9 Sec. 1301.305. SUPERVISION RULES; RESPONSIBILITY FOR
- 10 PLUMBING WORK. (a) The commission by rule shall:
- 11 (1) require that, for each task involved in plumbing,
- 12 a master plumber:
- 13 (A) perform the task; or
- 14 <u>(B) provide general or direct supervision of a</u>
- 15 less experienced plumber who performs the task;
- 16 (2) require that each plumber's apprentice and
- 17 tradesman plumber-limited license holder perform plumbing under
- 18 the direct or general supervision of a more experienced plumber;
- 19 (3) specify the plumbing tasks that a plumber's
- 20 apprentice or tradesman plumber-limited license holder must
- 21 perform under direct supervision and the plumbing tasks a plumber's
- 22 apprentice or tradesman plumber-limited license holder must
- 23 perform under general supervision;
- 24 (4) specify the amount of classroom training meeting
- 25 the requirements of Subsection (b), practical plumbing experience,
- 26 or a combination of that training and experience necessary to:
- 27 (A) exempt a plumber from the direct supervision

Τ	requirements under this section; and
2	(B) permit the plumber to perform the plumbing
3	under general supervision;
4	(5) require a plumber, other than a master plumber, to
5	document the plumber's:
6	(A) classroom training that meets the
7	requirements of Subsection (b); and
8	(B) practical plumbing experience; and
9	(6) require the plumbing contractor, and supervising
10	plumber, if any, to assume responsibility for plumbing performed,
11	including the quality of the plumbing and the supervision of less
12	experienced plumbers.
13	(b) Notwithstanding the minimum requirements for a
14	continuing education program or instructor established under this
15	chapter, the commission by rule shall establish minimum
16	requirements for classroom training, other than a continuing
17	education program under this chapter, that, if successfully
18	completed and documented by a plumber, the department shall credit
19	toward:
20	(1) the necessary classroom training required to:
21	(A) exempt the plumber from the direct
22	supervision requirements under this section; and
23	(B) permit the plumber to perform specified
24	plumbing tasks under general supervision;
25	(2) the continuing education required under this
26	chapter to renew a license, endorsement, or certificate of
27	registration, as applicable to the plumber; and

who

is

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1
               (3) the eligibility requirements for a license under
 2
   this chapter, as applicable to the plumber.
         SECTION 21. Sections
 3
                                 1301.351(a),
                                                (a-1),
                                                          and
                                                                (c),
   Occupations Code, are amended to read as follows:
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5
          (a) A person[, other than a responsible master plumber,] may
   not perform or offer to perform [engage in] plumbing for
6
7
   compensation unless:
8
               (1)
                   the person holds:
9
                    (A) a plumbing contractor license; and
                                        license, <u>endorsement</u>, <u>or</u>
10
                    (B)
                         the
                               proper
11
   certificate of registration[, or endorsement] required by this
   chapter to perform or supervise the performance of plumbing; [and]
12
13
               (2)
                   the person:
                    (A) is employed by a plumbing contractor;
14
15
                    (B) performs or supervises the plumbing on behalf
16
   of the plumbing contractor; and
17
                    (C) holds the proper license, endorsement, or
18
   certificate of registration required by this chapter; or
               (3) the person offers to perform plumbing and
19
20
   contracts with a plumbing contractor for the performance of the
   plumbing [the person's work is supervised and controlled by a
21
   person licensed under this chapter].
22
          (a-1) A person may not act as a plumbing contractor
23
    [responsible master plumber] unless the person holds
24
25
   appropriate license and meets the applicable requirements [for a
   responsible master plumber] under this chapter.
26
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(c) A plumbing contractor [license holder]

- 1 supervising and controlling [under Subsection (a)(2)] the work of a
- 2 person engaged in the business of plumbing in the construction of a
- 3 new one-family or two-family dwelling in an unincorporated area of
- 4 the state must have training and management responsibility for, and
- 5 shall review and inspect, the person's work. The plumbing
- 6 contractor [license holder] is not required to provide continuous
- 7 or uninterrupted on-the-job oversight of the person's work.
- 8 SECTION 22. Subchapter G, Chapter 1301, Occupations Code,
- 9 is amended by adding Section 1301.3515 to read as follows:
- 10 Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR
- 11 LICENSE ISSUANCE. (a) The department shall require that an
- 12 applicant for a license submit a complete and legible set of
- 13 fingerprints, on a form prescribed by the executive director, to
- 14 the department or to the Department of Public Safety for the purpose
- 15 of obtaining criminal history record information from the
- 16 Department of Public Safety and the Federal Bureau of
- 17 <u>Investigation</u>.
- 18 (b) The department may not issue a license to a person who
- 19 does not comply with the requirement of Subsection (a).
- 20 <u>(c) The department shall conduct a criminal history record</u>
- 21 information check of each applicant for a license using
- 22 <u>information:</u>
- 23 (1) provided by the individual under this section; and
- 24 (2) made available to the department by the Department
- 25 of Public Safety, the Federal Bureau of Investigation, and any
- 26 other criminal justice agency under Chapter 411, Government Code.
- 27 (d) The department may:

- 1 (1) enter into an agreement with the Department of
- 2 Public Safety to administer a criminal history record information
- 3 check required under this section; and
- 4 (2) authorize the Department of Public Safety to
- 5 collect from each applicant the costs incurred by the Department of
- 6 Public Safety in conducting the criminal history record information
- 7 <u>check.</u>
- 8 SECTION 23. Section 1301.352, Occupations Code, is amended
- 9 to read as follows:
- 10 Sec. 1301.352. EXAMINATION REQUIRED. The <u>department</u>
- 11 [board] shall issue a license or endorsement as a master plumber,
- 12 journeyman plumber, plumbing inspector, tradesman plumber-limited
- 13 license holder, medical gas piping installation endorsement
- 14 holder, water supply protection specialist, or multipurpose
- 15 residential fire protection sprinkler specialist to a person who
- 16 demonstrates the fitness, competence, and qualifications to
- 17 receive the license or endorsement by passing a uniform, reasonable
- 18 examination.
- 19 SECTION 24. Section 1301.3522, Occupations Code, is amended
- 20 to read as follows:
- Sec. 1301.3522. EXAMINATION REVIEW COURSE. (a) The
- 22 <u>department</u> [board] shall develop a review course in English and
- 23 Spanish to assist license applicants in preparation for each
- 24 license examination offered by the <u>department</u> [board]. If the
- 25 department [board] provides the review course, the department
- 26 [board] may charge a fee to an applicant who applies to take the
- 27 review course.

- 1 (b) The department [board] may provide the review course
- 2 training materials to private course providers for a fee determined
- 3 by the commission [board].
- 4 SECTION 25. Section 1301.353, Occupations Code, is amended
- 5 to read as follows:
- 6 Sec. 1301.353. INSPECTOR CONFLICTS PROHIBITED. The
- 7 <u>department</u> [board] may not issue a plumbing inspector license to a
- 8 person who has a financial or advisory interest in a plumbing
- 9 company.
- 10 SECTION 26. Sections 1301.354(b), (b-1), (c), (c-1), and
- 11 (d), Occupations Code, are amended to read as follows:
- 12 (b) A person who has worked as a plumber's apprentice for a
- 13 period established by law or commission [board] rule may apply to
- 14 take an examination for a license as a journeyman plumber or
- 15 tradesman plumber-limited license holder. Before the applicant may
- 16 take the examination, the applicant must complete classroom
- 17 training provided by a <u>department-approved</u> [beard-approved]
- 18 instructor in a department-approved [board-approved] training
- 19 program in the areas of health and safety, applicable plumbing
- 20 codes, and water conservation for at least:
- 21 (1) 24 hours if the applicant is applying to take a
- 22 tradesman plumber-limited license holder examination; or
- 23 (2) 48 hours if the applicant is applying to take a
- 24 journeyman plumber examination.
- 25 (b-1) At the applicant's request, the department [board]
- 26 may credit an applicant under Subsection (b) with a number of hours
- 27 determined by commission [board] rule against the number of hours

- 1 of work experience required to take an examination if the applicant
- 2 has received an associate of applied science degree from a plumbing
- 3 technology program that:
- 4 (1) includes a combination of classroom and on-the-job
- 5 training; and
- 6 (2) is approved by the department [board] and the
- 7 Texas Higher Education Coordinating Board.
- 8 (c) At the applicant's request, the <u>department</u> [board] may
- 9 credit an applicant under Subsection (b) with up to 1,000 hours of
- 10 the work experience required before taking an examination if the
- 11 applicant has completed the classroom portion of a training
- 12 program:
- 13 (1) approved by the United States Department of Labor,
- 14 Office of Apprenticeship; or
- 15 (2) provided by a person approved by the department
- 16 [board] and based on course materials approved by the department
- 17 [board].
- 18 (c-1) At the applicant's request, the department [board]
- 19 may credit an applicant under Subsection (b) with up to 250 hours of
- 20 the work experience required before taking an examination if the
- 21 applicant has completed a coherent sequence of courses in the
- 22 construction trade that are offered through a career and technical
- 23 education program that is approved by the State Board of Education.
- 24 (d) Notwithstanding the classroom training required by
- 25 Subsection (b), a plumber's apprentice may apply for and take an
- 26 examination for a license as a journeyman plumber or tradesman
- 27 plumber-limited license holder if the apprentice has received an

- 1 associate of applied science degree from a plumbing technology
- 2 program that:
- 3 (1) includes a combination of classroom and on-the-job
- 4 training; and
- 5 (2) is approved by the department [board] and the
- 6 Texas Higher Education Coordinating Board.
- 7 SECTION 27. Section 1301.3541, Occupations Code, is amended
- 8 to read as follows:
- 9 Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS. The
- 10 commission [board] by rule may adopt registration requirements for
- 11 plumber's apprentices, including training and education
- 12 requirements.
- SECTION 28. Sections 1301.356(d) and (e), Occupations Code,
- 14 are amended to read as follows:
- 15 (d) An endorsement under this section coincides with rules
- 16 adopted by the <u>executive commissioner of the Health and Human</u>
- 17 Services Commission [Texas Department of Health].
- 18 (e) A plumbing inspector who meets the requirements of the
- 19 commission [board] may hold a medical gas endorsement and inspect
- 20 medical gas piping installations.
- 21 SECTION 29. Sections 1301.3565(b) and (f), Occupations
- 22 Code, are amended to read as follows:
- 23 (b) The <u>department</u> [board] shall issue an endorsement as a
- 24 multipurpose residential fire protection sprinkler specialist to a
- 25 person who:
- 26 (1) holds the license described by Subsection (a);
- 27 (2) applies to the department [board] on a form

- 1 prescribed by the department [board];
- 2 (3) pays a fee set by the <u>commission</u> [board];
- 3 (4) presents evidence satisfactory to the department
- 4 [board] of successful completion of a training program approved by
- 5 the department [board] that provides the training necessary for the
- 6 proper design and installation of a multipurpose residential fire
- 7 protection sprinkler system as required by the applicable codes and
- 8 standards recognized by the state; and
- 9 (5) passes an examination required by the <u>department</u>
- 10 [board].
- 11 (f) A plumbing inspector who meets the requirements of the
- 12 <u>commission</u> [board] may inspect a multipurpose residential fire
- 13 protection sprinkler installation.
- 14 SECTION 30. Section 1301.357(b), Occupations Code, is
- 15 amended to read as follows:
- 16 (b) The <u>department</u> [board] shall issue an endorsement as a
- 17 water supply protection specialist to a person who:
- 18 (1) is licensed under this chapter as a master plumber
- 19 or journeyman plumber;
- 20 (2) applies to the department [board] on a form
- 21 prescribed by the $\underline{\text{department}}$ [board];
- 22 (3) pays a fee set by the <u>commission</u> [board];
- 23 (4) presents evidence satisfactory to the department
- 24 [board] of successful completion of a certification program
- 25 approved by the <u>department</u> [board] for water supply protection
- 26 specialists; and
- 27 (5) passes an examination required by the department

- 1 [board].
- 2 SECTION 31. Section 1301.3575, Occupations Code, is amended
- 3 to read as follows:
- 4 Sec. 1301.3575. REGISTRATION OF PLUMBER'S APPRENTICES
- 5 [CERTAIN PERSONS]. The department [board] shall register a person
- 6 who complies with this chapter as a [drain cleaner, drain
- 7 cleaner-restricted registrant, residential utilities installer,
- 8 or] plumber's apprentice.
- 9 SECTION 32. Section 1301.3576, Occupations Code, is amended
- 10 to read as follows:
- 11 Sec. 1301.3576. CERTIFICATE OF INSURANCE [AND TRAINING] FOR
- 12 PLUMBING CONTRACTOR [RESPONSIBLE MASTER PLUMBER]. Before a
- 13 plumbing contractor offers or performs plumbing [master plumber
- 14 works as a responsible master plumber], the plumbing contractor
- 15 [master plumber] must[+
- [$\frac{(1)}{(1)}$] provide the <u>department</u> [board] with a
- 17 certificate of insurance that meets the requirements of Section
- 18 1301.552[; and
- 19 [(2) present evidence satisfactory to the board of
- 20 successful completion of a training program approved or
- 21 administered by the board regarding the laws and rules applicable
- 22 to the operation of a plumbing business in this state].
- SECTION 33. Subchapter G, Chapter 1301, Occupations Code,
- 24 is amended by adding Sections 1301.3581 and 1301.360 to read as
- 25 follows:
- Sec. 1301.3581. RECIPROCITY. (a) The commission or
- 27 department may issue a license, endorsement, or certificate of

- 1 registration under this chapter for an applicant who holds a
- 2 similar license, endorsement, or certificate issued by another
- 3 jurisdiction.
- 4 (b) An applicant under this section must:
- 5 (1) apply in the same manner and form as any other
- 6 applicant under this chapter; and
- 7 (2) provide the department with documents and other
- 8 evidence that substantiate the applicant's qualifications.
- 9 (c) An applicant for a license, endorsement, or certificate
- 10 of registration issued under this section may not be required to
- 11 undergo an examination to obtain the license, endorsement, or
- 12 certificate if the applicant has held an equivalent license,
- 13 endorsement, or certificate in another jurisdiction for at least
- 14 two years. The department in accordance with commission rules may
- 15 determine whether a license, endorsement, or certificate issued by
- 16 another jurisdiction is equivalent to a license, endorsement, or
- 17 <u>certificate issued under this chapter.</u>
- Sec. 1301.360. TEMPORARY LICENSE. (a) The department may
- 19 issue a temporary license, endorsement, or certificate of
- 20 registration to an applicant as provided by Section 51.407.
- 21 (b) Notwithstanding Section 51.407, a temporary license
- 22 issued under this section expires on the 30th day after the date of
- 23 issuance and may not be renewed.
- SECTION 34. Section 1301.401, Occupations Code, is amended
- 25 to read as follows:
- Sec. 1301.401. [ANNUAL] RENEWAL REQUIRED. (a) A license
- 27 or certificate of registration under this chapter is valid for one

- 1 or two years as determined by commission rule [year]. On payment of
- 2 the required fee, a license may be renewed [annually].
- 3 (b) The commission [board] by rule shall establish the
- 4 requirements for renewing a license, endorsement, or certificate of
- 5 registration under this chapter and may adopt a system under which
- 6 licenses, endorsements, and <u>certificates</u> of <u>registration</u>
- 7 [registrations] expire on various dates during the year.
- 8 (c) An endorsement issued under Section 1301.356,
- 9 1301.3565, or 1301.357 expires on the date the master plumber or
- 10 journeyman plumber license of the endorsement holder expires. Any
- 11 continuing education requirement established by rule and
- 12 applicable to an endorsement issued under this chapter must be
- 13 completed before the endorsement holder may renew the endorsement.
- 14 SECTION 35. Sections 1301.404(a), (c), (d), (e), and (f),
- 15 Occupations Code, are amended to read as follows:
- 16 (a) The <u>commission by rule</u> [board] shall <u>establish</u>:
- 17 (1) minimum curriculum standards for [recognizer
- 18 approve, and administer] continuing education programs and courses
- 19 for persons who hold a license [licenses] or endorsement issued
- 20 [endorsements] under this chapter; and
- 21 (2) minimum qualifications for an instructor of the
- 22 continuing education programs and courses described by Subdivision
- 23 (1).
- 24 (c) The <u>department shall approve:</u>
- 25 (1) a program or course that meets the minimum
- 26 curriculum standards established by the commission under
- 27 Subsection (a); and

- 1 (2) an instructor who meets the minimum qualifications
 2 established by the commission under Subsection (a) [board by rule
 3 shall adopt the criteria for the continuing professional
 4 education].
- 5 (d) A person may receive credit for participating in a 6 continuing professional education program or course only if the 7 program or course is approved by the department [provided:
- 8 [(1) by an individual, business, or association
 9 approved by the board; and
- 10 [(2) according to criteria adopted by the board].
- 11 (e) A person may complete the continuing professional 12 education requirement of this section through a correspondence 13 course as approved by the department [board].
- (f) The <u>commission</u> [board] by rule may exempt certain persons from the requirements of this section if the <u>commission</u> [board] determines that the exemption is in the public interest.
- SECTION 36. Section 1301.405, Occupations Code, is amended to read as follows:
- Sec. 1301.405. [MANDATORY] 19 TRAINING FOR PLUMBER'S APPRENTICE [DRAIN CLEANER, DRAIN CLEANER-RESTRICTED REGISTRANT, 20 AND RESIDENTIAL UTILITIES INSTALLER]. The commission by rule may 21 establish continuing education requirements for persons [(a) To 22 renew the certificate of registration, a person] who hold [holds] a 23 24 certificate of registration under this chapter as a plumber's apprentice [drain cleaner, drain cleaner-restricted registrant, or 25 residential utilities installer must annually complete at least six 26 hours of approved training that includes training in health and 27

- 1 safety requirements, board-approved plumbing codes, and water
- 2 conservation].
- 3 [(b) A person may receive credit for participating in a
- 4 training program only if the program is provided:
- 5 [(1) by a person approved by the board; and
- 6 [(2) according to criteria adopted by the board.
- 7 [(c) The board by rule may exempt certain persons from the
- 8 requirements of this section if the board determines that the
- 9 exemption is in the public interest.
- SECTION 37. Sections 1301.406(a) and (c), Occupations Code,
- 11 are amended to read as follows:
- 12 (a) On approval by the <u>department</u> [board], a person who
- 13 holds an unexpired license under this chapter and whose license has
- 14 been held continuously for at least 35 consecutive years may
- 15 transfer the license number on the date of the person's retirement
- 16 or death to another person who:
- 17 (1) is related within the second degree by
- 18 consanguinity to the transferor; and
- 19 (2) holds a license issued under this chapter that is
- 20 the same type of license as the license held by the transferor.
- 21 (c) The department [board] shall transfer a license number
- 22 to a person who submits an application and presents evidence
- 23 satisfactory to the department [board] that:
- 24 (1) the person meets the requirements under
- 25 Subsections (a)(1) and (a)(2); and
- 26 (2) the transferor is retired or dead.
- 27 SECTION 38. The heading to Subchapter I, Chapter 1301,

- 1 Occupations Code, is amended to read as follows:
- 2 SUBCHAPTER I. DISCIPLINARY <u>ACTION</u> [PROCEDURES]
- 3 SECTION 39. Section 1301.452, Occupations Code, is amended
- 4 to read as follows:
- 5 Sec. 1301.452. GROUNDS FOR DISCIPLINARY ACTION. The
- 6 commission, department, or executive director may enforce this
- 7 chapter, a rule adopted under this chapter, or an order of the
- 8 commission or executive director as provided by Chapter $51 \left[\frac{(a)}{A} \right]$
- 9 person is subject to disciplinary action under Section 1301.451 if
- 10 the person violates this chapter, an order issued by the board, or a
- 11 board rule]. A violation of this chapter includes:
- 12 (1) <u>attempting to obtain or</u> obtaining a license,
- 13 endorsement, or registration through [error or] fraud;
- 14 (2) wilfully, negligently, or arbitrarily violating a
- 15 municipal rule or ordinance that regulates sanitation, drainage, or
- 16 plumbing;
- 17 (3) making a misrepresentation of services provided or
- 18 to be provided;
- 19 (4) making a false promise with the intent to induce a
- 20 person to contract for a service; [or]
- 21 (5) employing a person who does not hold a license or
- 22 endorsement or who is not registered to engage in an activity for
- 23 which a license, endorsement, or certificate of registration is
- 24 required under this chapter;
- 25 (6) performing plumbing without holding the proper
- 26 license, endorsement, or certificate of registration required by
- 27 this chapter;

- 1 (7) offering to perform or performing plumbing for
- 2 compensation without holding a plumbing contractor license, acting
- 3 on behalf of a plumbing contractor, or contracting with a plumbing
- 4 contractor to perform the offered plumbing;
- 5 (8) performing plumbing in violation of a plumbing
- 6 code adopted under Section 1301.255; or
- 7 (9) failing to supervise plumbing as required by this
- 8 chapter or commission rule.
- 9 [(b) Retesting procedures may be used to determine whether
- 10 grounds exist for suspension or revocation of a license,
- 11 endorsement, or registration due to incompetence or a wilful
- 12 violation by a person licensed under this chapter.
- 13 SECTION 40. Section 1301.501(b), Occupations Code, is
- 14 amended to read as follows:
- 15 (b) The commission [board] shall adopt rules under this
- 16 section that include a list describing the types of plumbing to
- 17 which this section applies.
- 18 SECTION 41. Section 1301.502(a), Occupations Code, is
- 19 amended to read as follows:
- 20 (a) A [field representative,] water district plumbing
- 21 inspector $[\tau]$ or, within the jurisdiction of the municipality,
- 22 municipal plumbing inspector may issue a citation to a person who
- 23 engages in conduct described by Section 1301.508.
- 24 SECTION 42. Sections 1301.507 and 1301.5071, Occupations
- 25 Code, are amended to read as follows:
- Sec. 1301.507. CIVIL PENALTY. A person who violates this
- 27 chapter or a rule, permit, or order of the commission issued under

- 1 this chapter [board] is subject to a civil penalty of not less than
- 2 \$50 or more than \$1,000 for each act of violation and for each day of
- 3 violation after notice is provided to the person.
- 4 Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE;
- 5 RESTITUTION. (a) The commission [board] by rule shall establish
- 6 procedures under which an informal settlement conference is
- 7 conducted to resolve a complaint against a person licensed under
- 8 this chapter.
- 9 (b) Subject to Subsection (c), the executive director
- 10 [board] may order a person licensed under this chapter to pay
- 11 restitution to a person as provided in an agreement resulting from
- 12 an informal settlement conference instead of or in addition to
- 13 assessing an administrative penalty [under Subchapter N].
- 14 (c) The amount of restitution ordered as provided by an
- 15 agreement resulting from an informal settlement conference may not
- 16 exceed the amount the person paid to the license holder for a
- 17 service regulated by this chapter. The <u>executive director</u> [board]
- 18 may not require payment of other damages or estimate harm in a
- 19 restitution order.
- SECTION 43. Section 1301.551(g), Occupations Code, is
- 21 amended to read as follows:
- 22 (g) A [$responsible\ master\ plumber_{\tau}$] plumbing contractor[$rac{\tau}$]
- 23 or other person who is required to obtain a permit under this
- 24 section is not required to pay a plumbing registration fee or
- 25 administrative fee in a municipality or any other political
- 26 subdivision.
- 27 SECTION 44. Section 1301.552, Occupations Code, is amended

- 1 to read as follows:
- 2 Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT
- 3 IN POLITICAL SUBDIVISION. A political subdivision that requires a
- 4 plumbing contractor [responsible master plumber] or an agent of a
- 5 plumbing contractor [responsible master plumber] to obtain a permit
- 6 before performing plumbing in the political subdivision shall
- 7 verify through the $\frac{\text{department's}}{\text{department's}}$ [board's] Internet website, or by
- 8 contacting the <u>department</u> [board] by telephone, that the plumbing
- 9 contractor [responsible master plumber] has on file with the
- 10 department [board] a certificate of insurance. The certificate of
- 11 insurance must:
- 12 (1) be written by an insurer authorized to engage in
- 13 the business of insurance in this state or an eligible surplus lines
- 14 insurer under Chapter 981[, as defined by Section 981.002],
- 15 Insurance Code;
- 16 (2) provide for commercial general liability
- 17 insurance for the <u>plumbing contractor</u> [<u>responsible master plumber</u>]
- 18 for a claim for property damage or bodily injury, regardless of
- 19 whether the claim arises from negligence or on a contract; and
- 20 (3) provide coverage of not less than \$300,000 for all
- 21 claims arising in a one-year period.
- SECTION 45. Sections 1301.652(a) and (b), Occupations Code,
- 23 are amended to read as follows:
- 24 (a) The department [board] and the Texas Workforce
- 25 Commission shall, through the local workforce development boards,
- 26 coordinate efforts to educate the public about the plumbing
- 27 profession and the resources available to employers for the

- 1 recruitment and training of plumbers, including providing:
- 2 (1) each local workforce development board with:
- 3 (A) information about the licensing requirements
- 4 for the plumbing profession; and
- 5 (B) available statistical data regarding
- 6 plumbing; and
- 7 (2) a link to each agency's Internet site and to the
- 8 Internet sites of other local workforce development boards.
- 9 (b) The department [board] may, during public and industry
- 10 awareness seminars, raise awareness of the career ladder in the
- 11 plumbing industry and the opportunities that plumbing
- 12 apprenticeships offer.
- 13 SECTION 46. Section 132.002(a), Education Code, is amended
- 14 to read as follows:
- 15 (a) The following schools or educational institutions may
- 16 be exempted from this chapter by the commission under Subsection
- 17 (d):
- 18 (1) a school or educational institution supported by
- 19 taxation from either a local or state source;
- 20 (2) a nonprofit school owned, controlled, operated,
- 21 and conducted by a bona fide religious, denominational,
- 22 eleemosynary, or similar public institution exempt from property
- 23 taxation under the laws of this state;
- 24 (3) a school or training program that offers
- 25 instruction of purely avocational or recreational subjects as
- 26 determined by the commission;
- 27 (4) a course or courses of instruction or study

- 1 sponsored by an employer for the training and preparation of its own
- 2 employees, and for which no tuition fee is charged to the student;
- 3 (5) a course or courses of study or instruction
- 4 sponsored by a recognized trade, business, or professional
- 5 organization for the instruction of the members of the organization
- 6 with a closed membership;
- 7 (6) a private college or university that awards a
- 8 recognized baccalaureate, or higher degree, and that maintains and
- 9 operates educational programs for which a majority of the credits
- 10 given are transferable to a college, junior college, or university
- 11 supported entirely or partly by taxation from either a local or
- 12 state source;
- 13 (7) a school or course that is otherwise regulated and
- 14 approved under and pursuant to any other law or rulemaking process
- 15 of this state or approved for continuing education credit by an
- 16 organization that accredits courses for the maintenance of a
- 17 license, except as provided by Subsection (c);
- 18 (8) an aviation school or instructor approved by and
- 19 under the supervision of the Federal Aviation Administration;
- 20 (9) a school that offers intensive review of a
- 21 student's acquired education, training, or experience to prepare
- 22 the student for an examination, other than a high school
- 23 equivalency examination, that the student by law may not take
- 24 unless the student has completed or substantially completed a
- 25 particular degree program, or that the student is required to take
- 26 as a precondition for enrollment in or admission to a particular
- 27 degree program;

- 1 (10) a private school offering primary or secondary
- 2 education, which may include a kindergarten or prekindergarten
- 3 program, and that satisfies the compulsory attendance requirements
- 4 of Section 25.085 pursuant to Section 25.086(a)(1);
- 5 (11) a course or courses of instruction by bona fide
- 6 electrical trade associations for the purpose of preparing students
- 7 for electrical tests required for licensing and for the purpose of
- 8 providing continuing education to students for the renewal of
- 9 electrical licenses;
- 10 (12) a nonprofit arts organization that has as its
- 11 primary purpose the provision of instruction in the dramatic arts
- 12 and the communications media to persons younger than 19 years of
- 13 age;
- 14 (13) a course or training program conducted by a
- 15 nonprofit association of air conditioning and refrigeration
- 16 contractors approved by the Air Conditioning and Refrigeration
- 17 Contractors Advisory Board to provide instruction for technical,
- 18 business, or license examination preparation programs relating to
- 19 air conditioning and refrigeration contracting, as that term is
- 20 defined by Chapter 1302, Occupations Code;
- 21 (14) a course of instruction by a plumbing trade
- 22 association to prepare students for a plumbing test or program
- 23 required for licensing, registration [certification], or
- 24 endorsement or to provide continuing education approved by the
- 25 Texas Department of Licensing and Regulation [State Board of
- 26 Plumbing Examiners]; and
- 27 (15) a course of instruction in the use of

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- 1 technological hardware or software if the course is offered to a
- 2 purchaser of the hardware or software or to the purchaser's
- 3 employee by a person who manufactures and sells, or develops and
- 4 sells, the hardware or software, and if the seller is not primarily
- 5 in the business of providing courses of instruction in the use of
- 6 the hardware or software, as determined by the commission.
- 7 SECTION 47. Section 411.122(d), Government Code, is amended
- 8 to read as follows:
- 9 (d) The following state agencies are subject to this
- 10 section:
- 11 (1) Texas Appraiser Licensing and Certification
- 12 Board;
- 13 (2) Texas Board of Architectural Examiners;
- 14 (3) Texas Board of Chiropractic Examiners;
- 15 (4) State Board of Dental Examiners;
- 16 (5) Texas Board of Professional Engineers;
- 17 (6) Texas Funeral Service Commission;
- 18 (7) Texas Board of Professional Geoscientists;
- 19 (8) Health and Human Services Commission [Department
- 20 of State Health Services], except as provided by Section 411.110,
- 21 and agencies attached to the commission [department], including:
- 22 (A) Texas State Board of Examiners of Marriage
- 23 and Family Therapists;
- 24 (B) Texas State Board of Examiners of
- 25 Professional Counselors; and
- 26 (C) Texas State Board of Social Worker Examiners;
- 27 (9) Texas Board of Professional Land Surveying;

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1
                        Texas Department of Licensing and Regulation,
                 (10)
 2
    except as provided by Section 411.093;
                        Texas Commission on Environmental Quality;
                 (11)
 3
 4
                 (12)
                        Texas Board of Occupational Therapy Examiners;
                 (13)
                        Texas Optometry Board;
 5
                        Texas State Board of Pharmacy;
 6
                 (14)
 7
                 (15)
                        Texas Board of Physical Therapy Examiners;
                        [Texas State Board of Plumbing Examiners;
 8
                 (16)
 9
                 [(17) Texas State Board of Podiatric Medical
10
    Examiners;
                 [\frac{(18)}{(18)}]
11
                          Texas
                                    State
                                              Board
                                                        of
                                                              Examiners
                                                                            of
    Psychologists;
12
                 (17) [<del>(19)</del>] Texas Real Estate Commission;
13
                 (18) [<del>(20)</del>] Texas Department of Transportation;
14
15
                 (19) [\frac{(21)}{(21)}]
                                State
                                         Board
                                                  of
                                                        Veterinary
                                                                       Medical
16
    Examiners;
17
                                Texas Department of Housing and Community
                 (20) \left[ \frac{(22)}{(22)} \right]
    Affairs;
18
                 (21) \left[\frac{(23)}{(23)}\right] secretary of state;
19
                 (22) \left[\frac{(24)}{}\right] state fire marshal;
20
                 (23) [(25)] Texas Education Agency;
21
22
                 (24) [(26)] Department of Agriculture; and
                 (25) [\frac{(27)}{}] Texas Department of Motor Vehicles.
23
           SECTION 48. Section
                                     2054.352(a), Government
24
                                                                    Code,
                                                                            is
25
    amended to read as follows:
                The following licensing entities shall participate in
26
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the system established under Section 2054.353:

27

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Texas Board of Chiropractic Examiners;
 1
                (1)
 2
                (2)
                     Judicial Branch Certification Commission;
                     State Board of Dental Examiners;
                (3)
 3
                     Texas Funeral Service Commission;
 4
                (4)
                     Texas Board of Professional Land Surveying;
 5
                (5)
                (6) Texas Medical Board;
 6
 7
                (7) Texas Board of Nursing;
                     Texas Optometry Board;
 8
                (8)
 9
                (9)
                     Department of Agriculture, for licenses issued
    under Chapter 1951, Occupations Code;
10
11
                (10) Texas State Board of Pharmacy;
                (11)
                      Executive Council of Physical Therapy
12
                                                                       and
13
    Occupational Therapy Examiners;
                       [Texas State Board of Plumbing Examiners;
14
                (12)
15
                       Texas State Board
16
    Examiners;
17
                [\frac{(14)}{(14)}]
                                           Board
                                                          Examiners
                         Texas
                                  State
                                                    of
                                                                        of
    Psychologists;
18
                (13) [\frac{(15)}{(15)}]
                                                    Veterinary
19
                              State
                                       Board
                                               of
                                                                  Medical
20
    Examiners;
                (14) [(16)] Texas Real Estate Commission;
21
22
                (15) [(17)] Texas
                                                        Licensing
                                         Appraiser
                                                                       and
    Certification Board;
23
                (16) [\frac{(18)}{}] Texas
24
                                       Department
                                                          Licensing
                                                     of
                                                                       and
25
    Regulation;
                (17) [<del>(19)</del>] Texas State Board of Public Accountancy;
26
27
                (18) [<del>(20)</del>] State Board for Educator Certification;
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(19) [<del>(21)</del>] Texas Board of Professional Engineers;
1
2
                (20) Health
                                  and
                                          Human Services
                                                                   Commission
   [(22) Department of State Health Services];
3
4
                (21) [<del>(23)</del>] Texas Board of Architectural Examiners;
                (22) [<del>(24)</del>] Texas Racing Commission;
5
                (23) [\frac{(25)}{}] Texas Commission on Law Enforcement; and
6
7
                (24) [<del>(26)</del>] Texas Private Security Board.
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- 8 SECTION 49. Sections 341.034(d) and (e), Health and Safety 9 Code, are amended to read as follows:
- 10 (d) A person who inspects homes and businesses to identify
 11 potential or actual cross-connections or other contaminant hazards
 12 in public water systems must hold a license issued by the commission
 13 under Chapter 37, Water Code, unless the person is licensed by the
 14 Texas Department of Licensing and Regulation [State Board of
 15 Plumbing Examiners] as a plumbing inspector or water supply
 16 protection specialist.
- (e) Unless the person is licensed by the Texas <u>Department of</u>

 Licensing and Regulation to perform plumbing [State Board of

 Plumbing Examiners], a person must hold a license issued by the

 commission under Chapter 37, Water Code, if, under a contract, the

 person:
- (1) installs, exchanges, connects, maintains, or 23 services potable water treatment equipment and appliances in public 24 or private water systems; or
- (2) analyzes water to determine how to treat influent or effluent water, alter or purify water, or add or remove a mineral, chemical, or bacterial content or substance as part of the

- 1 complete installation, exchange, connection, maintenance, or
- 2 service of potable water treatment equipment and appliances.
- 3 SECTION 50. Section 341.042(b-2), Health and Safety Code,
- 4 is amended to read as follows:
- 5 (b-2) A person who installs and maintains rainwater
- 6 harvesting systems that are connected to a public water supply
- 7 system and are used for potable purposes must be licensed by the
- 8 Texas Department of Licensing and Regulation [State Board of
- 9 Plumbing Examiners as a master plumber or journeyman plumber and
- 10 hold an endorsement issued by the department [board] as a water
- 11 supply protection specialist.
- 12 SECTION 51. Section 341.068(b), Health and Safety Code, is
- 13 amended to read as follows:
- 14 (b) The executive commissioner shall adopt rules to
- 15 implement Subsection (a), including a rule that in providing
- 16 sufficient restrooms a ratio of not less than 2:1 women's-to-men's
- 17 restrooms or other minimum standards established in consultation
- 18 with the Texas Department of Licensing and Regulation [State Board
- 19 of Plumbing Examiners] shall be maintained if the use of the
- 20 restrooms is designated by gender. The rules shall apply to
- 21 facilities where the public congregates and on which construction
- 22 is started on or after January 1, 1994, or on which structural
- 23 alterations, repairs, or improvements exceeding 50 percent of the
- 24 entire facility are undertaken on or after January 1, 1994.
- 25 SECTION 52. Section 372.003(d), Health and Safety Code, is
- 26 amended to read as follows:
- 27 (d) Rules adopted or amended under this section shall be

- 1 developed by the commission in conjunction with a technical
- 2 advisory panel of designated representatives of the Texas Water
- 3 Development Board and the Texas [State Board of] Plumbing Advisory
- 4 Board established under Subchapter C, Chapter 1301, Occupations
- 5 Code [Examiners].
- 6 SECTION 53. Sections 372.0035(f) and (h), Health and Safety
- 7 Code, are amended to read as follows:
- 8 (f) If a person licensed under Chapter 1301, Occupations
- 9 Code, violates this section, the Texas Department of Licensing and
- 10 Regulation [State Board of Plumbing Examiners] may discipline the
- 11 person [under Subchapter I of that chapter] as if a violation of
- 12 this section were a violation of Chapter 1301, Occupations Code
- 13 [that chapter].
- 14 (h) Within [A field representative of the Texas State Board
- 15 of Plumbing Examiners or, within] the jurisdiction of a
- 16 municipality, a municipal plumbing inspector may issue a citation
- 17 to a person who violates this section.
- 18 SECTION 54. Section 233.154(a), Local Government Code, is
- 19 amended to read as follows:
- 20 (a) A person who builds new residential construction
- 21 described by Section 233.153 shall have the construction inspected
- 22 to ensure building code compliance in accordance with this section
- 23 as follows:
- 24 (1) for new residential construction on a vacant lot,
- 25 a minimum of three inspections must be performed during the
- 26 construction project to ensure code compliance, as applicable, at
- 27 the following stages of construction:

```
1
                         the foundation stage, before the placement of
                     (A)
 2
   concrete;
                     (B)
                          the framing and mechanical systems stage,
 3
4
   before covering with drywall or other interior wall covering; and
5
                     (C)
                              completion of
                                               construction of
                         on
                                                                   the
   residence;
6
7
               (2)
                    for new residential construction of an addition to
    an existing residence as described by Section 233.151(a)(2), the
8
9
    inspections under Subdivision (1) must be performed as necessary
   based on the scope of work of the construction project; and
10
                    for new residential construction on a vacant lot
11
12
   and for construction of an addition to an existing residence, the
13
   builder:
                          is responsible for contracting to perform the
14
                     (A)
15
    inspections required by this subsection with:
16
                          (i) a licensed engineer;
17
                          (ii) a registered architect;
18
                          (iii) a professional inspector licensed by
    the Texas Real Estate Commission;
19
20
                          (iv)
                                a plumbing inspector employed by a
   municipality and licensed by the Texas Department of Licensing and
21
   Regulation [State Board of Plumbing Examiners];
22
23
                          (v) a building inspector employed by
24
   political subdivision; or
25
                          (vi)
                                an
                                      individual
                                                   certified
                                                                     а
   residential combination inspector by the International Code
26
27
   Council; and
```

- 1 (B) may use the same inspector for all the
- 2 required inspections or a different inspector for each required
- 3 inspection.
- 4 SECTION 55. Section 113.081(d), Natural Resources Code, is
- 5 amended to read as follows:
- 6 (d) The commission by rule may exempt from Section
- 7 113.082(a)(4) [of this code] journeymen or master plumbers licensed
- 8 by the Texas Department of Licensing and Regulation [State Board of
- 9 Plumbing Examiners].
- 10 SECTION 56. Section 113.087(o), Natural Resources Code, is
- 11 amended to read as follows:
- 12 (o) The commission by rule may exempt from any provision of
- 13 this section:
- 14 (1) a journeyman or master plumber licensed by the
- 15 Texas Department of Licensing and Regulation [State Board of
- 16 Plumbing Examiners];
- 17 (2) a person licensed under Chapter 1302, Occupations
- 18 Code; or
- 19 (3) company representatives, operations supervisors,
- 20 or employees of a testing laboratory that was registered under
- 21 former Section 113.135 prior to the effective date of this
- 22 subsection.
- 23 SECTION 57. Section 113.097(j), Natural Resources Code, is
- 24 amended to read as follows:
- 25 (j) The commission by rule may exempt from the insurance
- 26 requirements of this section or adopt a reasonable alternative to
- 27 those requirements for:

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1
               (1) a master or journeyman plumber licensed by the
   Texas Department of Licensing and Regulation [State Board of
2
   Plumbing Examiners]; or
 3
               (2) a person licensed under Chapter 1302, Occupations
4
5
   Code.
          SECTION 58.
6
                       Section 1903.002(b), Occupations Code,
                                                                    is
7
   amended to read as follows:
8
          (b)
              The licensing requirements of this chapter do not apply
9
   to a person who is:
10
                    licensed, endorsed, or registered by the Texas
   Department of Licensing and Regulation to perform plumbing [Texas
11
   State Board of Plumbing Examiners]; or
12
               (2) a licensed engineer, registered architect, or
13
   registered landscape architect to the extent the person's acts are
14
15
   incidental to the pursuit of the person's profession.
16
          SECTION 59. The following provisions of the Occupations
17
   Code are repealed:
               (1)
18
                    Sections 51.351(c) and (d);
               (2)
                    Section 1301.002(9-a);
19
                    Section 1301.003;
20
               (3)
                    Section 1301.153;
21
               (4)
                    Section 1301.155;
22
               (5)
                    Section 1301.156;
23
               (6)
                    Section 1301.159;
24
               (7)
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Section 1301.201;

Section 1301.204;

(10) Section 1301.205;

25

26

27

(8)

(9)

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S.B. No. 621
                (11)
                     Section 1301.207;
 1
 2
                (12)
                     Section 1301.208;
 3
                (13)
                     Section 1301.252;
                      Section 1301.254;
 4
                (14)
 5
                (15)
                      Section 1301.256;
 6
                (16)
                      Section 1301.258, as added by Chapter 1276 (H.B.
 7
    3507), Acts of the 78th Legislature, Regular Session, 2003;
8
                (17)
                      Section 1301.258, as added by Chapter 819 (S.B.
 9
    282), Acts of the 78th Legislature, Regular Session, 2003;
10
                (18)
                      Section 1301.259;
                     Section 1301.260;
11
                (19)
                     Section 1301.261;
12
                (20)
                      Section 1301.301;
13
                (21)
                      Section 1301.3015;
14
                (22)
15
                (23)
                      Section 1301.303;
16
                (24)
                      Section 1301.304;
17
                (25)
                      Section 1301.351(a-2);
                (26)
                      Section 1301.3521;
18
                      Section 1301.355;
19
                (27)
                      Section 1301.356(c);
20
                (28)
                      Section 1301.3565(c);
21
                (29)
                      Section 1301.357(c);
22
                (30)
                      Section 1301.358;
23
                (31)
24
                (32)
                      Section 1301.3585;
25
                (33)
                      Section 1301.402;
                      Section 1301.403;
26
                (34)
27
                (35)
                      Section 1301.451;
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(36)
                     Section 1301.4521;
 1
 2
               (37)
                     Section 1301.4522;
               (38)
                     Section 1301.453;
 3
                     Section 1301.454;
 4
               (39)
               (40)
                     Section 1301.502(b);
 5
               (41)
                     Section 1301.504;
6
 7
               (42)
                     Section 1301.5045;
               (43)
                     Section 1301.505;
8
9
               (44)
                     Section 1301.506; and
                     Subchapter N, Chapter 1301.
10
               (45)
          SECTION 60.
                       (a)
11
                            The
                                 Texas
                                         State
                                                 Board
                                                         of
                                                             Plumbing
   Examiners is abolished but continues in existence until September
12
13
       2020, for the sole purpose of transferring obligations,
   property, rights, powers, and duties to the Texas Department of
14
15
   Licensing and Regulation.
                               The Texas Department of Licensing and
16
   Regulation assumes all of the obligations, property, rights,
   powers, and duties of the Texas State Board of Plumbing Examiners as
17
18
   they exist immediately before the effective date of this Act.
   unexpended funds appropriated to the Texas State Board of Plumbing
19
20
   Examiners are transferred to the Texas Department of Licensing and
   Regulation.
21
22
          (b) The Texas State Board of Plumbing Examiners and the
   Texas Department of Licensing and Regulation shall, in consultation
23
   with appropriate state entities, ensure that the transfer of the
24
25
   obligations, property, rights, powers, and duties of the Texas
   State Board of Plumbing Examiners to the Texas Department of
26
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Licensing and Regulation is completed not later than September 1,

27

- 1 2020.
- 2 (c) All rules of the Texas State Board of Plumbing Examiners
- 3 are continued in effect as rules of the Texas Department of
- 4 Licensing and Regulation until superseded by a rule of the Texas
- 5 Department of Licensing and Regulation. A license, endorsement, or
- 6 certificate of registration issued by the Texas State Board of
- 7 Plumbing Examiners is continued in effect as provided by the law in
- 8 effect immediately before the effective date of this Act. An
- 9 application for a license, endorsement, or certificate of
- 10 registration pending on the effective date of this Act is continued
- 11 without change in status after the effective date of this Act. A
- 12 complaint, investigation, contested case, or other proceeding
- 13 pending on the effective date of this Act is continued without
- 14 change in status after the effective date of this Act.
- 15 (d) Unless the context indicates otherwise, a reference to
- 16 the Texas State Board of Plumbing Examiners in a law or
- 17 administrative rule means the Texas Department of Licensing and
- 18 Regulation.
- 19 SECTION 61. Notwithstanding any other provision of this
- 20 Act:
- 21 (1) the authorization of a person holding a
- 22 designation on September 1, 2019, to act as a responsible master
- 23 plumber continues in effect until September 1, 2020;
- 24 (2) a person is not required to hold a plumbing
- 25 contractor license to perform or offer to perform plumbing for
- 26 compensation until September 1, 2020; and
- 27 (3) a person holding a designation to act as a

- 1 responsible master plumber on September 1, 2019, may apply at no
- 2 cost to the person for a plumbing contractor license until
- 3 September 1, 2020, and after September 1, 2020, if the person
- 4 applies for a plumbing contractor license, the person shall pay any
- 5 fee required by law for the plumbing contractor license.
- 6 SECTION 62. (a) Not later than December 1, 2019, the
- 7 governor shall appoint members to the Texas Plumbing Advisory Board
- 8 in accordance with Section 1301.151, Occupations Code, as amended
- 9 by this Act. A member whose term expired under Section 60 of this
- 10 Act is eligible for appointment to the advisory board.
- 11 (b) The members of the Texas State Board of Plumbing
- 12 Examiners whose terms expire under Section 60 of this Act shall
- 13 continue to provide advice to the Texas Department of Licensing and
- 14 Regulation until a majority of the members of the advisory board are
- 15 appointed under Subsection (a) of this section and qualified.
- 16 SECTION 63. (a) Not later than:
- 17 (1) September 1, 2021, the Texas Department of
- 18 Licensing and Regulation shall obtain criminal history record
- 19 information using a person's name, date of birth, and other
- 20 alphanumeric identifiers on each person who:
- 21 (A) on September 1, 2019, holds a license issued
- 22 under Chapter 1301, Occupations Code; and
- 23 (B) did not undergo a criminal history record
- 24 information check based on the person's name or fingerprints on
- 25 submission of the person's initial license application; and
- 26 (2) September 1, 2023, the Texas Department of
- 27 Licensing and Regulation shall obtain criminal history record

- 1 information using a person's fingerprints on each person who:
- 2 (A) on September 1, 2019, holds a license issued
- 3 under Chapter 1301, Occupations Code; and
- 4 (B) did not undergo a criminal history record
- 5 information check based on the person's fingerprints on submission
- 6 of the person's initial license application.
- 7 (b) The Texas Department of Licensing and Regulation may
- 8 suspend the license of a person who holds a license under Chapter
- 9 1301, Occupations Code, who does not comply with a request by the
- 10 department to provide information or fingerprints, in a form and
- 11 manner prescribed by the department, that would enable the
- 12 department to obtain criminal history record information as
- 13 required by this section.
- 14 SECTION 64. (a) A violation of a law that is repealed by
- 15 this Act is governed by the law in effect when the violation was
- 16 committed, and the former law is continued in effect for that
- 17 purpose.
- 18 (b) For purposes of this section, a violation was committed
- 19 before September 1, 2019, if any element of the violation occurred
- 20 before that date.
- 21 SECTION 65. To the extent of any conflict, this Act prevails
- 22 over another Act of the 86th Legislature, Regular Session, 2019,
- 23 relating to nonsubstantive additions to and corrections in enacted
- 24 codes.
- 25 SECTION 66. This Act takes effect September 1, 2019.